

May 21, 2016

Planning Commissioners  
c/o County Planning and Building Department  
via email to Planning Commission secretary

**RE: Changes to Findings and Conditions of Approval  
Kiler Ridge Olive Farm, DRC2013-00096**

Dear Commissioners,

The following pages reflect our proposed changes to the Planning Department's suggested Findings (exhibit A) and Conditions of Approval (exhibit B).

The proposed changes to the conditions of approval are the same as presented to you at the March 24, 2016 hearing in our handout except for conditions #1g, #19, #29 and #30.

Condition #1g and #19 include staff's recent modification to the condition and our proposed changes. Condition #29 and #30 have been simplified and exhibits attached.

Only Finding E has been modified in exhibit A

The suggested changes are highlighted in bold and the text to be modified is shown in strike out format.

I hope this format is easier to review the proposed changes.



Pamela Jardini  
Planning Solutions

## **FINDINGS - EXHIBIT A**

### **Environmental Determination**

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Mitigated Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on January 6, 2016 for this project. Mitigation measures are proposed to address air quality, biological resources, hazards/hazardous material, public services/utilities, transportation/circulation, wastewater, and water/hydrology and are included as conditions of approval.

### **Conditional Use Permit**

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the uses proposed are allowed uses and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the proposed project as conditioned does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the proposed tasting room/restaurant/limited food service facility will be limited to ~~800 sf and limited to 3 days per week with limited hours of operation to 11 a.m. to 5 p.m.~~ **998 sq. ft. and limited to 5 days a week from 11 a.m. to 6 p.m. and two nights a week from 6 p.m. to 9 p.m. with lights out by 9 p.m.**
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on Kiler Canyon Road (a collector road), a road constructed to a level able to handle any additional traffic associated with the project and an unpaved access road that is conditioned for dust suppression and a road maintenance agreement.
- G. A modification of the setback standards required by Land Use Ordinance Section 22.30.070.D.4.c.1 Olive Oil Production / Setbacks) to allow a 96 ft setback to property line and to allow 380 ft to an existing residence is justified because it presents a more environmentally friendly solution than constructing a new building that could meet the

required setbacks versus using the existing building. The primary use on-site is the processing of approximately 15 tons of olives grown on-site from the 2,700 olive trees planted on-site (currently not all trees have reached maturity).

- H. A modification of the setback standards required by Land Use Ordinance Section 22.30.075.B.4 Ag Retail Sales / Setbacks that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft setback to an existing residence (to the north) is justified because it presents a more environmentally friendly solution than constructing a new building that could meet the required setbacks versus using the existing building. The primary use on-site is the processing of approximately 15 tons of olives grown on-site from the 2,700 olive trees planted on-site (currently not all trees have reached maturity)



## EXHIBIT B - CONDITIONS OF APPROVAL

### Approved Development

1. This approval authorizes the following:

- a. Conversion of a portion of an existing 3,445 sf olive processing facility to include:
  - ~~800~~ **997** sf of restaurant (limited food service facility) area a 330 sf existing commercial kitchen **and 667 sq. ft. of indoor and outdoor dining area** ~~commercial kitchen and a maximum of 470 sf dining area (total includes indoor and outdoor seating areas).~~
  - 94 sf of olive oil tasting area.
  - ~~30~~ **Up to 100** sf of retail (permanent farm stand).
  - The processing of 540 tons of olives not grown on-site;
- b. Public access to the site for tasting room/restaurant/limited food service facility/retails sales operation shall be ~~restricted to 3~~ **5** days per week from 11:00 am to ~~5:00~~ **6:00** pm **and public access to the site for sit down restaurant activities shall be concurrent with the tasting room and until 9:00 pm for two nights per week. At 9 pm the lights shall be out on-site meaning restaurant guests and staff shall be off –site by 9pm.**
- c. The incidental processing of olives into table olives for sale onsite (approximately 35 cases)
- d. The construction of a ~~45-sf detached~~ restroom **per building code requirements including areas for employee lockers and changing area;**
- e. A modification to the ordinance standard (Section 22.30.070.D.4.c.1 Olive Oil Production / Setbacks) to allow a 96 ft. setback to property line and to allow 380 ft. to an existing residence;
- f. A modification of the ordinance standard (Section 22.30.075.B.4 Ag Retail Sales / Setbacks) that requires all structures to be located no closer than 400 feet to any existing residence to allow a 380 ft. setback to an existing residence (to the north);
- g. ~~No temporary events are authorized including events with fewer than 50 attendees and non-profit events (e.g. weddings, reunions, parties, concerts). Public access to the site for educational olive tours, olive workshops, olive oil club functions, and olive oil related incidental uses shall be restricted to fewer than 50 people to 3 days per week form 11:00 am to 5:00 pm.~~ **Activities that are allowed and not precluded as “Special Events” or “Temporary Events” include:**
  1. Educational tours and workshops relating to olive farming and olive oil production
  2. Olive oil tasting and tours by appointment
  3. Facility ownership and management get-togethers (e.g. BBQs, birthday parties)
  4. Private gatherings that relate to the promotion of olive oil (such as harvest work-days, industry meetings, club members functions, and farm to table dinners for olive oil club members or personal friends)

**Allowed activities will be limited to no more than 49 participants, may be publicized in advance for reservations, but are not open to the public**

## **Conditions required to be completed at the time of application for construction permits**

### ***Site Development***

2. Submit a revised floor plan and site plan to the Department of Planning and Building for review and approval. The revised plan shall indicate the following and development shall be consistent with this revised and approved plan:
  - a. Site Plan – The site plan shall show ~~12~~ **the required** parking spaces.
  - b. Floor Plan - The dining seating area including indoor and outdoor areas shall not exceed a ~~470~~ **667** sf.

### ***Required Permits***

3. At the time of application for construction permits, the applicant shall obtain the following permits if required in addition to any and all other permits required by ordinance or code. Plans shall be prepared or certified by the licensed architect or engineer of record.
  - a. Construction permit to convert the existing agricultural olive processing building into a commercial olive processing facility that will be open to the public;
  - b. Construction permits for tenant improvements to convert a portion of the existing building into an olive oil tasting room, restaurant/limited food service facility, and retail sales area;
    - a. ~~Grading permit for access road widening.~~ **(remove condition entirely because there is no grading - all repair and maintenance for road per Cal Fire's requirements )**

### ***Transportation and Traffic***

4. (TR-1) At the time of application for construction permits, the applicant shall submit plans prepared by a Registered Civil Engineer to the Department of Public Works to secure an Encroachment Permit and post a cash damage bond to install improvements within the public right-of-way in accordance with County Public Improvement Standards. The plan is to include, as applicable:
  - a. Reconstruct the existing site access driveway approach on Kiler Canyon Road in accordance with County Public Improvement Standard B-1 drawing rural roadways, and A-5a sight distance standards.
  - b. Remove sign and vegetation obstructions per the recommendations contained in the Above Grade Engineering driveway sight distance analysis dated September 21, 2015.
5. (TR-2) At the time of application for construction permits, the applicant shall submit evidence to the Department of Planning and Building of a road maintenance agreement for Old Kiler Canyon Road. The agreement shall establish an organized and perpetual



mechanism to ensure adequate maintenance of the shared access roads in a form acceptable to the County. The road maintenance agreement shall be signed by the owners of all properties which have shared access rights, or be fully assumed by the applicant for the full width across their property frontage and back to the nearest county maintained road and be binding upon their heirs and assigns, and be recorded with the County Clerk on each of the effected properties.

6. (TR-5) At the time of application for construction permits, the applicant shall submit complete drainage plans for review and approval in accordance with Section 22.52.110 (Drainage) or 23.05.040 (Drainage) of the Land Use Ordinance.
7. (TR-6) At the time of application for construction permits, the applicant shall submit complete erosion and sedimentation control plan for review and approval in accordance with 22.52.120.
8. (TR-8) At the time of application for construction permits, the applicant shall demonstrate whether the project is subject to the LUO Section for Storm Water Management. Applicable projects shall submit a Storm Water Control Plan (SWCP) prepared by an appropriately licensed professional to the County for review and approval. The SWCP shall incorporate appropriate BMP's, shall demonstrate compliance with Storm Water Quality Standards and shall include a preliminary drainage plan, a preliminary erosion and sedimentation plan
9. (TR-9) At the time of application for construction permits, if necessary, the applicant shall submit a draft "Private Storm Water Conveyance Management and Maintenance System" exhibit for review and approval by the County.

#### ***Exterior Lighting***

10. At the time of application for construction permits, the applicant shall provide details on any proposed or existing exterior lighting. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

#### ***Fire Safety***

11. At the time of application for construction permits, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. ~~Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the Cal Fire/County Fire Department for this proposed project and dated January 16, 2015 and letter dated October 23, 2015.~~ **Requirements shall include the report by Varietal Matrix (fire suppression consultant) and the fire and life safety requirements of the letter dated May 26, 2016 from Cal Fire**

#### ***Services***

12. At the time of application for construction permits, the applicant shall submit evidence that there is adequate water to serve the proposal, on the site.
13. At the time of application for construction permits, the applicant shall submit evidence that the existing septic system, adequate to serve the proposal, can be

installed on the site.

**Conditions to be completed prior to issuance of a construction permit**

***Fees***

14. Prior to issuance of a construction permit, the applicant shall pay all applicable school and public facilities fees.

***Transportation and Traffic***

15. (TR-10) Prior to issuance of construction permits, if necessary, the applicant shall record with the County Clerk the "Private Storm Water Conveyance Management and Maintenance System" to document on-going and permanent storm drainage control, management, treatment, disposal and reporting.

***Nesting Birds***

16. (BR-1) Prior to and during construction, in order to protect sensitive bird species and those species protected by the Migratory Bird Treaty Act and/or the Fish and Wildlife Code, the applicant shall avoid vegetation clearing and earth disturbance during the typical nesting season (February 15 – August 31). If avoiding construction during this season is not feasible, a qualified biologist shall survey the area one week prior to activity beginning on the site. If nesting birds are located, they shall be avoided until they have successfully fledged. A buffer zone of 50 feet will be placed around all non-sensitive bird species, a 500-foot buffer zone for raptors, and all activity will remain outside of that buffer until a County approved biologist has determined that the young have fledged. If special-status bird species are located, no work will begin until an appropriate buffer is determined by consultation with the County, the local California Department of Fish and Wildlife biologist, and/or the U. S. Fish and Wildlife Service.

***Oak Trees***

17. (BR-2) Prior to issuance of construction permit and/or grading permit, the applicant shall clearly show all oak trees within 50 feet of grading activities on the grading plans. In addition to showing the limits of grading, the grading plans shall also designate any oak trees to be removed and which oak trees will be impacted by grading activities occurring within the root zone (one and one half times the dripline).
18. (BR-3) Prior to issuance of a grading permit, the applicant shall provide a tree replacement plan for review and approval by the Environmental Coordinator. The replacement plan shall demonstrate compliance with the following measures:
  - a. Number of Trees – The tree replacement plan shall provide for the replacement, in kind, of removed oak trees at a 4:1 ratio. Additionally, the tree replacement plan shall provide for the planting, in kind, at a 2:1 ratio for oak trees designated for impact but not removal.
  - b. Location/Density – The location shall be clearly shown on the plans. Trees shall be planted at no greater a density than the average density in the existing oak woodland area on the site.
  - c. Species – Trees shall be of the same species of the trees proposed for impact or



removal. The species shall be clearly specified on the plans.

d. Planting – Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer). If possible, planting during the warmest, driest months (June through September) shall be avoided. In addition, standard planting procedures (e.g., planting tablets, initial deep watering) shall be used.

e. Maintenance – Newly planted trees shall be maintained until successfully established

**Conditions to be completed prior to occupancy or final building inspection/establishment of the use**

19. Prior to occupancy or final inspection, whichever occurs first, the applicant shall obtain final inspection and approval from CAL FIRE of all required fire/life safety measures. This includes but not limited to the access road widening and compaction deficiencies (Keith V. Crowe, PE, PLS, letter dated July 29, 2015). The applicant shall submit to the Department of Planning and Building and Cal Fire verification of the compaction report from a licensed civil engineer for the access road for review and approval
20. Prior to occupancy of any structure associated with this approval, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

***Transportation and Traffic***

21. (TR-3) Prior to occupancy or final inspection, all public improvements have been constructed or reconstructed in accordance with County Public Improvement Standards and to the satisfaction of the County Public Works Inspector.

**On-going conditions of approval (valid for the life of the project)**

22. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
23. All conditions of this approval run with the land and shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Section 22.74.160 of the Land Use Ordinance.



### **Transportation and Traffic**

24. (TR-4) In accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid Encroachment Permit issued by the Department of Public Works.
25. (TR-7) The project shall comply with the requirements of the National Pollutant Discharge Elimination System Phase I and / or Phase II storm water program and the County's Storm Water Pollution Control and Discharge Ordinance, Title 8, Section 8.68 et sec.
26. (TR-11) The applicants shall provide recycling opportunities to all facility users at all events in accordance with Ordinance 2008-3 of the San Luis Obispo County Integrated Waste Management Authority (mandatory recycling for residential, commercial and special events).

### **Air Quality**

27. (AQ-1) For the life of the project and prior to final inspection, for the unpaved access road/driveway, the applicant shall implement one of the following:
  - a. Pave and maintain the driveway; or,
  - b. During peak season and for the life of the project, maintain the unpaved driveway with dust suppressant such that fugitive dust emissions do not exceed the APCD 20% opacity limit for greater than 3 minutes in any 60 minute period or prompt nuisance violations. Also, to improve the dust suppressant's long-term efficiency, the applicant shall also implement and maintain design standards to ensure vehicles that use the on-site unpaved road are physically limited (e.g., speed bumps) to a posted speed limit of 15 mph or less. Peak season for this project is defined as follows: October to January.

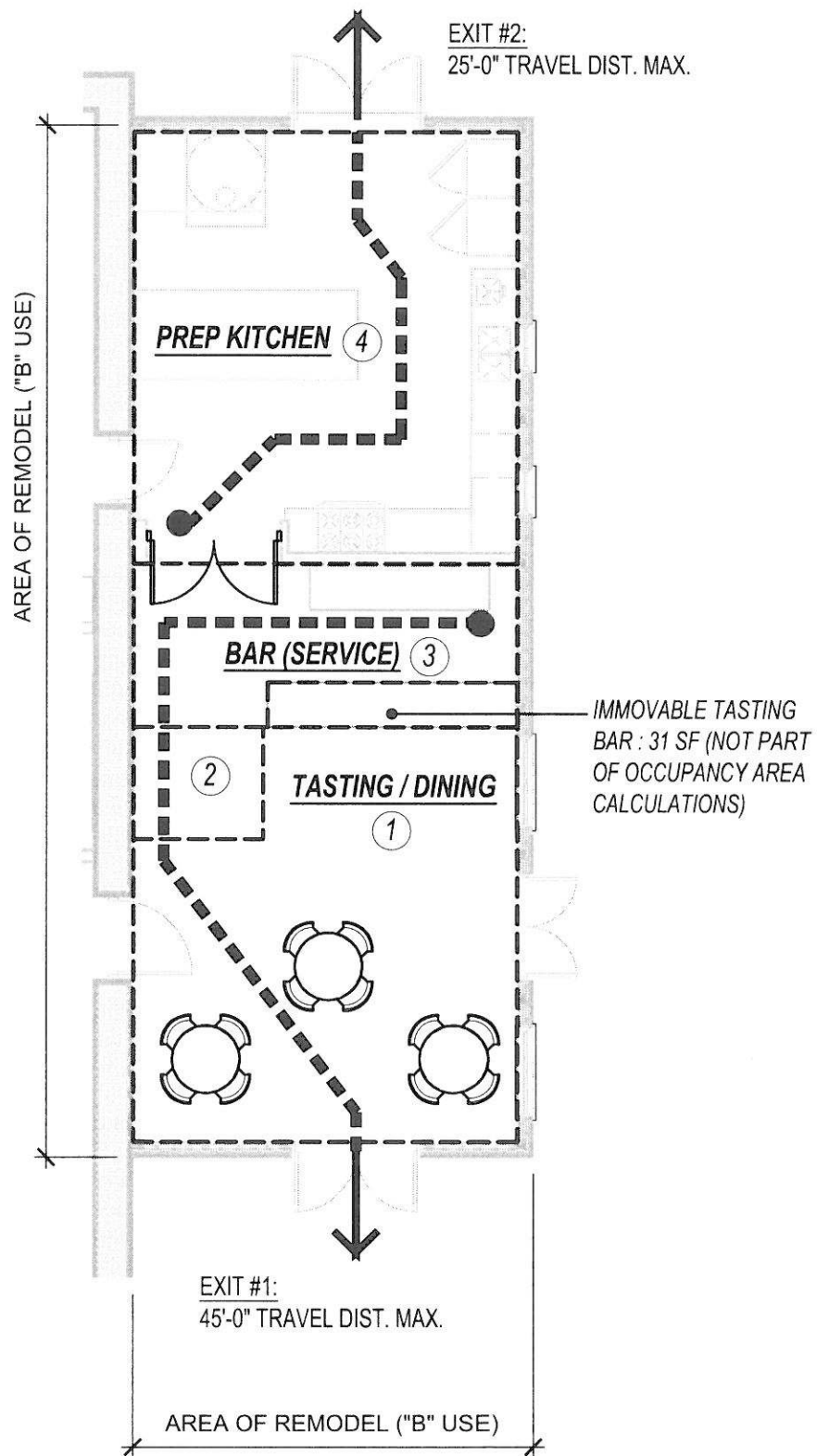
### **Building Occupancy**

28. The applicant shall comply with CAL FIRE Safety Letter dated ~~January 16, 2015~~ **May 26, 2016** and **Varietal Matrix report recommendations** and the occupancy of the building shall not exceed 49. Any additions to the structure including enclosing the covered porch area for dining, and/or removing furnishing (**except for the existing conference table**) allowing an increased occupancy load at this location shall require the installation of a commercial NFPA compliant automatic Fire Sprinklers
29. **The tasting room activities may resume immediately inside the agricultural facility. The applicant has 1 month to fulfill the requirements with a 1 month extension if needed (such as contractor cannot perform work immediately) prior to condition being enforceable. This is to allow the tasting room to remain open inside the building while the conditions are being met and this condition is NOT applicable to the limited food service restaurant and the conditions associated with the restaurant. Fulfill means time that does not include agency review.**
30. **Occupancy as determined by Exhibit A or B (attached) as per the letter sent to Holly Phipps via email (attached)**

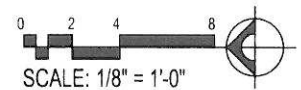
**OCCUPANCY + EXITING REQUIREMENTS:**  
OCCUPANCY GROUP "B"

- ① TASTING / DINING / BAR AREA (GROSS):  
285 SF @ 1/7 = 41.0 OCC
- ② RETAIL:  
30 SF @ 1/30 = 1.0 OCC
- ③ BAR (SERVICE):  
94 SF @ 1/100 = 1.0 OCC
- ④ PREP KITCHEN:  
330 SF @ 1/200 = 2.0 OCC

TOTAL= 45.0 OCC  
1 EXIT REQUIRED  
PER SECTION  
1021 CBC 2013  
2 EXITS PROVIDED



**OCCUPANCY + EXITING PLAN**



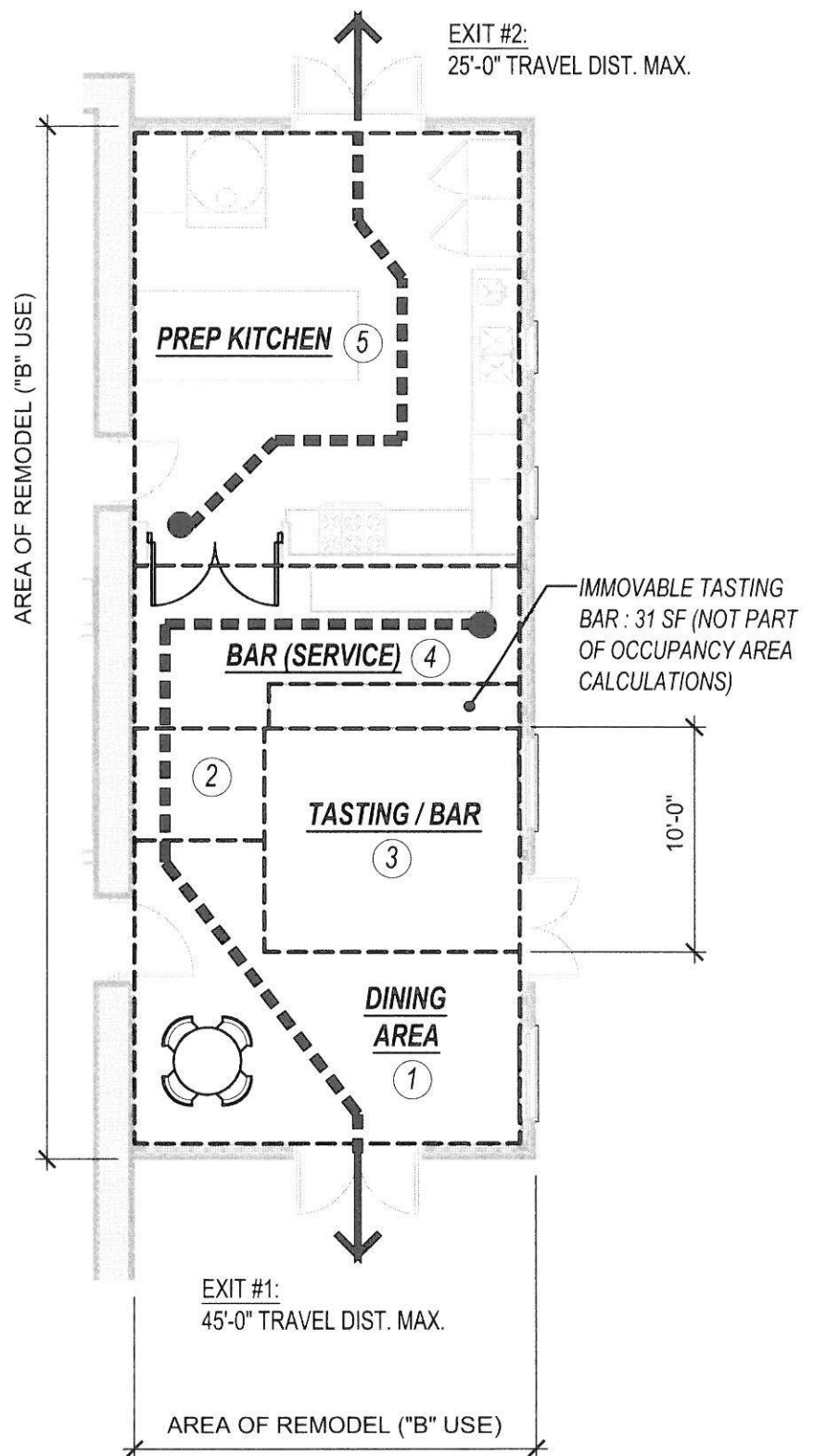


**OCCUPANCY + EXITING REQUIREMENTS:**

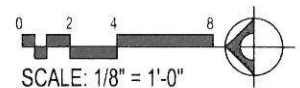
OCCUPANCY GROUP "B"

- ① DINING AREA:  
175 SF @ 1/15 = 12.0 OCC
- ② RETAIL:  
30 SF @ 1/30 = 1.0 OCC
- ③ TASTING / BAR AREA (GROSS):  
115 SF @ 1/5 = 23.0 OCC
- ④ BAR (SERVICE):  
94 SF @ 1/100 = 1.0 OCC
- ⑤ PREP KITCHEN:  
330 SF @ 1/200 = 2.0 OCC

TOTAL= 39.0 OCC  
1 EXIT REQUIRED  
PER SECTION  
1021 CBC 2013  
2 EXITS PROVIDED



**OCCUPANCY + EXITING PLAN**



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Holly Phipps  
c/o County Planning Department  
County Government Center  
San Luis Obispo, CA 93408  
Via: Email

RE: Conditional Use Permit DRC2013-00096; Bone; Kiler Ridge Olive Farm

Dear Ms. Phipps,

This letter is in response to the Fire Marshal and Building Department review of the occupant load for the proposed Olive Oil Tasting Room for the above listed application. Based on an onsite meeting with the business owners, Fire Marshal Laurie Donnelly, and members of the building department including Mike Stoker and Steve Hicks on January 13, 2015, we have prepared the following additional information for your consideration. Additionally, the previously submitted report from our consulting Fire Engineer, Dan Gemeny, has been attached for your reference.

Tasting Room Occupancy:

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As discussed with building department staff and the Fire Marshal, maintenance of an occupant load of less than 50 persons will maintain the current "B" occupancy classification of the facility allowing the building to remain un-sprinkled. Should the occupant load exceed 49 persons, the building would be classified as an "A" occupancy which would trigger the installation of building sprinklers. During the January 13<sup>th</sup> meeting it was agreed that the immovable tasting bar could be subtracted from the floor area in addition to the large food service table used for the restaurant style tastings. Direction was also provided by building staff to use an occupant load factor of 7 sf/person to determine the building occupant load.

Tasting Room Occupant Load Calculation:

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The following calculation demonstrates the occupant load of the tasting room for the purposes of determine building occupancy and whether changes to the existing facility occupancy are proposed as part of this application. The immovable tasting bar area has been removed from the total floor area however the food service table area was not in order to allow for flexibility in future room layout and décor. In addition, the proposed retail area was included in the overall square-footage for the same purpose. The employee area behind the tasting bar was subtracted from the square-footage as this area is for employees only and will not be used to accommodate business patrons.

*Calculation:*

Food Pairing Restaurant (subordinate service facility)/Tasting Room Area: 318sf  
Retail Space: 30sf



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Employee Area: 94sf

Immovable Tasting Bar: 31.5 sf

*(Note that only ½ of the bar area was removed from the square-footage to account for the overlap of a portion of the bar into the employee area. This is a conservative number based on actual placement of the bar. Please refer to the attached floor plan.)*

*318 + 30 = 348sf total public tasting room area*

*348 – (31.5/2) = 332.25sf*

*332.25sf/7 (occupant load) = 47 people*

This number represents the highest possible number of patrons in the space based on the occupant load of 7sf/person. Based on the nature of the business, there will be tables within the space in various configurations. This will further reduce the overall number of patrons potentially occupying the space.

If you have any further questions or concerns, please contact me at (805) 712-1561 or at [ksgleason@gmail.com](mailto:ksgleason@gmail.com)

Thank you,

Kelly Gleason

Attachments:

Floor Plan

Project Information

Floor Plan

